

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #1	CCRB Case #: 201801901	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/06/2018 2:35 PM	Location of Incident: § 87(2)(b)	Precinct: 34	18 Mo. SOL 9/6/2019	EO SOL 9/6/2019	
Date/Time CV Reported Mon, 03/12/2018 8:48 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/12/2018 8:48 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Pablo Valentin	00224	931357	034 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Kerrie Norling	31775	953179	034 PCT
2. SGT Majer Saleh	02402	929110	034 PCT
3. POM Cristian Duran	27567	938412	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Pablo Valentin	Force: Police Officer Pablo Valentin used physical force against § 87(2)(b)	§ 87(2)(b)
B.POM Pablo Valentin	Discourtesy: Police Officer Pablo Valentin spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Case Summary

On March 12, 2018, § 87(2)(b) filed this complaint with the CCRB via telephone.

On March 6, 2018, at approximately 2:45 p.m., at § 87(2)(b) in Manhattan, Police Officer Pablo Valentin of the 34th Precinct allegedly placed his entire body weight against § 87(2)(b) squeezing § 87(2)(b)'s body against a window, and allegedly put pressure on § 87(2)(b)'s left shin with his knee (**Allegation A: Force**, § 87(2)(g)). PO Valentin allegedly said, "I don't give a fuck," and, "Shut the fuck up," to § 87(2)(b) (**Allegation B: Discourtesy**, § 87(2)(g)). § 87(2)(b) was arrested and charged with violating an order of protection obtained by his parents.

Video footage from § 87(2)(b) was obtained (Board Review 01), but this footage does not fully capture the staircase landing between the first and second floors, where the allegations allegedly took place.

Findings and Recommendations

Allegation (A) Force: Police Officer Pablo Valentin used physical force against § 87(2)(b)

Allegation (B) Discourtesy: Police Officer Pablo Valentin spoke discourteously to § 87(2)(b)

§ 87(2)(b) (Board Review 02) stated that he went to his parents' building at § 87(2)(b) in Manhattan in order to retrieve his property from his parent's apartment (§ 87(2)(b)) after they had obtained an order of protection against him. § 87(2)(b) called 911 and said he needed officers to escort him to the apartment (Board Review 03). PO Valentin and his partner, PO Kerrie Norling, arrived on the scene, and § 87(2)(b) entered the building behind them. PO Valentin instructed § 87(2)(b) to wait on the landing of the staircase between the first and second floors, and § 87(2)(b) complied. PO Valentin and PO Norling entered § 87(2)(b). Approximately 15 minutes later, the officers exited the apartment. PO Valentin approached § 87(2)(b) on the landing, grabbed his right bicep, turned him around, and allegedly pressed his entire body weight against § 87(2)(b) squeezing his right side of his body against a window. PO Valentin then allegedly put pressure on § 87(2)(b)'s left shin with his knee, exacerbating a pre-existing bruise and causing pain. § 87(2)(b) did not seek medical treatment for this injury. § 87(2)(b) stated that he was not doing anything with his body during this time. Approximately five minutes later, PO Valentin handcuffed § 87(2)(b) on the landing. § 87(2)(b) told PO Valentin that they walked into the building together, and PO Valentin allegedly replied, "I don't give a fuck." § 87(2)(b) asked what he was being charged with, and PO Valentin allegedly told him to "shut the fuck up." § 87(2)(b) did not encounter any additional officers at the scene until he was removed from the building. § 87(2)(b) was arrested and charged with § 87(2)(b) (Board Review 04).

§ 87(2)(b)'s parents, § 87(2)(b) and § 87(2)(b) (Board Review 05), provided consistent accounts of the incident. They were unwilling to discuss the reason their son was arrested. They did not see or hear anything that happened in the building outside of their apartment and did not see any force being used against § 87(2)(b). The only moment they saw § 87(2)(b) with officers was when they looked out their window and saw him being placed in a police car in handcuffs.

§ 87(2)(b) (Board Review 06), who lives in § 87(2)(b) stated that he heard voices in the building from inside his apartment, but he could not hear what was being said because there was an echo, and he did not hear any officer use profanities towards § 87(2)(b). § 87(2)(b) did not see anything that happened to § 87(2)(b) inside § 87(2)(b). § 87(2)(b) exited the building to wait for his son to come home, and he saw § 87(2)(b) in handcuffs with two police officers near a police car. § 87(2)(b) stated that he did not see the officers do anything wrong.

The surveillance footage from § 87(2)(b) (Board Review 01) captures the front of the building and the building's lobby, as well as the stairs that ascend from the lobby to the landing. However, it only captures a small portion the landing between the first and second floors in the corner of the frame, and anyone standing on the landing is only visible from the waist down. No allegations are captured in this footage.

No Threat, Resistance, and Injury Report was prepared in regards to this incident (Board Review 07). § 87(2)(b)'s arrest report (Board Review 04) states that no force was used in his arrest.

PO Valentin (Board Review 08) stated that approximately one week prior to the incident date, he was at § 87(2)(b) with § 87(2)(b) and his parents. § 87(2)(b) was at his parents' apartment to retrieve his property and was verbally abusive towards his parents, and PO Valentin feared for the parents' safety. On the incident date, PO Valentin decided to conduct an impromptu community visit at the parents' apartment to follow up with them and see how they were doing and if they were safe. When he arrived at § 87(2)(b) he saw § 87(2)(b) standing in front of the building. § 87(2)(b) told PO Valentin and PO Norling that he had called 911 to retrieve clothing from his parents' apartment. PO Valentin was unaware of § 87(2)(b) calling 911, and his memo book reflected the fact that he was on lunch when this job was received (Board Review 03, 09). PO Valentin believed he told § 87(2)(b) that they were not at the building for him, but rather were there to check on his parents. PO Valentin and PO Norling entered the building, and PO Valentin spoke to the parents inside § 87(2)(b). While he was in the apartment, PO Valentin heard § 87(2)(b) knock on the apartment's front door, and he told § 87(2)(b) to wait on the landing between the first and second floors. § 87(2)(b) complied and remained on the landing. PO Valentin did not recall when § 87(2)(b) entered the building. At this point, PO Valentin believed he was going to place § 87(2)(b) under arrest for violating the order of protection. PO Valentin handcuffed § 87(2)(b) on the landing, and § 87(2)(b) was compliant and offered no physical resistance. PO Valentin denied placing his entire body weight against § 87(2)(b) squeezing him against a wall or a window, and kneeling him in his shin, and he stated that no force was used to place § 87(2)(b) under arrest. PO Valentin did not recall saying, "I don't give a fuck," "Shut the fuck up," or using profanities at any point, and he noted that he made an effort to be "as professional as possible."

PO Norling (Board Review 10) did not recall whether she saw § 87(2)(b) being handcuffed or where § 87(2)(b) was standing when PO Valentin handcuffed him. She did not recall PO Valentin placing his body weight against § 87(2)(b) or squeezing him against a wall or window. She did not believe PO Valentin placed his knee into § 87(2)(b)'s shin, but she noted that she was not certain of this. She did not recall any physical struggle with § 87(2)(b) taking place, and she had no knowledge of any physical force being used to place him under arrest. PO Norling did not recall PO Valentin saying, "I don't give a fuck," or, "Shut the fuck up," nor did she recall PO Valentin using profanities at any point.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to two additional CCRB complaints and has been named as a victim in two additional allegations (Board Review 11).
 - § 87(2)(b)
- PO Pablo Valentin has been a member-of-service for 15 years and has been a subject in five additional CCRB complaints and 13 additional allegations, none of which were substantiated.
§ 87(2)(g) (Board Review 12).

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of April 26, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (Board Review 13).

- § 87(2)(b)

Allegations Not Pleaded

- In his Intake call (Board Review 15), § 87(2)(b) stated that after he was escorted out of the building, officers placed their hands around his neck and pressed his jaw against a police vehicle. In his sworn statement (Board Review 02), § 87(2)(b) stated that he felt an unidentified officer touch the side of his neck with one hand while he was being searched against the side of the vehicle, and that no officer grabbed his neck, made contact with his windpipe, or restricted his breathing at any point. § 87(2)(b) also stated in his sworn statement that he did not recall whether his jaw was ever against the vehicle. The surveillance footage from the exterior of § 87(2)(b) (Board Review 16) shows no force being used against § 87(2)(b) outside of the building, and the view of § 87(2)(b) while he is against the side of the police vehicle is obscured by a telephone pole. § 87(2)(g)



201801901_20180510_1811_DM.mp4

Squad No.: 01

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date